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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/077.029 05/18/98 KIMURA

M JA040499

MMC1/0612

EXAMINER

OLIFF & BERRIDGE  
PO BOX 19928  
ALEXANDRIA VA 22320

MALINOWSKI, W

ART UNIT

PAPER NUMBER

2871

DATE MAILED:

06/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/077,029	KIMURA ET AL.
	Examiner Walter Malinowski	Art Unit 2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) Responsive to communication(s) filed on 18 May 1998.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims 1-44 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
1. received.
2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- |   |  |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Election/Restrictions*

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

Species A: Claims 1-19, 32, 47/2-47/19, 47/32, 48/2, 48/3, 48/5-48/10, 48/12-48/19, 49/7, 49/8, 49/10, 49/11, and 49/13, drawn to a display and method for manufacturing a display whereby a difference in height between predetermined positions and peripheries is formed before the liquid crystal is selectively coated on the predetermined positions.

Species B: Claims 20-31, 33, 47/20-47/32, 47/33, 48/20-48/31, 48/33, 49/23, 49/24, 49/26, and 49/27, drawn to a method for manufacturing displays whereby the lyophilicity of predetermined positions is enhanced relative to the lyophilicity of the peripheries thereby aiding in the coating of liquid crystal on the predetermined positions.

Species C: Claims 34-46, 47/34-47/46, 48/34-48/46, 49/38, 49/39, and 49/42-49/44, drawn to a method for manufacturing a display whereby potential distribution is formed in which the potential of predetermined positions differs from the potential of the peripheries thereof and a selective coating of liquid crystal is done by utilizing this potential distribution.

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Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

The claims are deemed to correspond to the species listed above in the following manner:

Species A: Claims 1-19, 32, 47/2-47/19, 47/32, 48/2, 48/3, 48/5-48/10, 48/12-48/19, 49/7, 49/8, 49/10, 49/11, and 49/13, drawn to a display and method for manufacturing a display whereby a difference in height between predetermined positions and peripheries is formed before the liquid crystal is selectively coated on the predetermined positions.

Species B: Claims 20-31, 33, 47/20-47/32, 47/33, 48/20-48/31, 48/33, 49/23, 49/24, 49/26, and 49/27, drawn to a method for manufacturing displays whereby the lyophilicity of predetermined positions is enhanced relative to the lyophilicity of the peripheries thereby aiding in the coating of liquid crystal on the predetermined positions.

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Species C: Claims 34-46, 47/34-47/46, 48/34-48/46, 49/38, 49/39, and 49/42-49/44, drawn to a method for manufacturing a display whereby potential distribution is formed in which the potential of predetermined positions differs from the potential of the peripheries thereof and a selective coating of liquid crystal is done by utilizing this potential distribution.

The following claim(s) are generic: None.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: the species are drawn to one of the following characteristics: height differences, lyophilicity, or potential distribution.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Malinowski whose telephone number is (703) 308-3172. The examiner can normally be reached on M-F 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Sikes can be reached on (703) 308-4842. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308-7721

for regular communications and (703) 308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

wjm  
June 8, 2000

*Walter Malinowski*  
**Walter Malinowski**  
**Primary Examiner**  
**Group Art Unit 2871**